

REMARKS

Claims 23, 25, 26, 28, and 29 are currently pending.

The Examiner has rejected claims 23, 25, 26, 28, and 29 on the ground of nonstatutory obviousness-type double-patenting as being unpatentable over claim 1 of U.S. Patent No. 6,780,601 (“the ‘601 patent”). The Examiner states that while “the conflicting claims are not identical, they are not patentably distinct from each other because the patented subject matter is fully encompassed by the instant claims.” The Examiner also states that a “timely filed terminal disclaimer... may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground.”

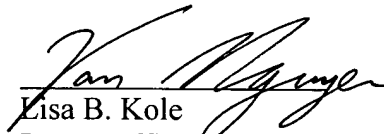
Applicants note that a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) was previously filed on December 15, 2005, which disclaimed the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of the ‘601 patent. A copy of the previously filed Terminal Disclaimer is attached as Appendix A.

Accordingly, in view of the foregoing, Applicants respectfully request that the double patenting rejection be withdrawn.

CONCLUSION

Entry of the foregoing remarks into the file of the above-identified application is respectfully requested. Applicants believe that the invention described and defined by claims 23, 25, 26, 28, and 29 are patentable over the rejection of the Examiner. Withdrawal of the double patenting rejection and allowance of the claims is earnestly sought.

Respectfully submitted,


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